

09/21/2026

Clad Flake, Executive Officer / Clerk of the Court

By: Zenata Ali Deputy
Z. Ali

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

STEPHANIE STIAVETTI, et al,

No. RG15-779731

Plaintiffs,

**ORDER RE TERMINATION OF
SUPERVISION**

v.

PAMELA AHLIN, et al,

Defendants.

The Court's Order to Show Cause on termination of supervision came on for hearing on 6/29/26, in Department 21 of this Court, the Honorable S. Raj Chatterjee presiding. IT IS

ORDERED:

BACKGROUND

On July 29, 2015, Plaintiff filed this case seeking a writ of mandate directing Department of State Hospitals ("DSH") and Department of Developmental Services ("DDS") to provide prompt medical care to persons who have been found to be Incompetent to Stand Trial ("IST").

On March 22, 2019, the trial court found that "Constitutional due process requires that DSH must commence substantive services to restore an IST defendant to competency within 28 days of the transfer of responsibility for an IST defendant to the DSH" and "DSH has systematically failed to provide due process for IST defendants." (*Stiavetti v. Ahlin* (Cal Super.

1 2019) 2019 WL 2176240 at *1 and 12.) The DSH filed an appeal and the Court of Appeal
2 affirmed. (*Stiavetti v. Clendenin* (2021) 65 Cal.App.5th 691.)

3 On December 16, 2021, the court entered an amended judgement that included a phased
4 reduction of wait times over 30 months beginning on August 27, 2021, and anticipating full
5 compliance by February 27, 2024. Because of complications due to Covid-19, the Court on
6 October 6, 2023, issued an Order modifying the Amended Judgment that extended the
7 compliance schedule and anticipated full compliance by March 1, 2025, and ordered progress
8 reports due one month after each compliance date. The Order at p13 states: “This case is about
9 setting a standard for the system and monitoring the system. This case is not about monitoring
10 whether individual IST defendants in the 58 counties are receiving Constitutional due process.”

12 On June 3, 2025, DSH and DDS each filed returns to the writs and requests to terminate
13 Court supervision. The Order of October 31, 2025, granted the motion regarding DDS and
14 denied the motion regarding DHS. The Order required DSH to submit a further status report and
15 permitted plaintiffs to take additional discovery record on DHS’s compliance with the
16 judgment.¹ On April 20, 2026, the Court set an OSC as to why the Court should not terminate
17 supervision of DSH.

18 ANALYSIS

19 *Hernandez v. Board of Education* (2004) 126 Cal.App.4th 1161, 1172, sets out the factors
20 for the Court to consider when determining whether to terminate supervision: (1) the defendants’
21 compliance; (2) whether judicial control is necessary to achieve compliance; and (3) whether the
22 defendants have demonstrated good faith commitment to the decree and the constitutional
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25 ¹ Plaintiffs deposed DSH witnesses Jaci Thomson on reporting, Christina Edens on
26 DSH’s funding, historical programming, and impacts of Prop 36, and Dr. Michael Finlay on the
Early Access and Stabilization Services (EASS) program. (Durkin Dec., Exhs D1, D2, D3.)

1 provisions at issue. *Hernandez*, 126 Cal.App.4th at 1172, states: “[T]he court's end purpose must
2 be to remedy the violation and, in addition, to restore state and local authorities to the control of
3 a school system that is operating in compliance with the Constitution.”

4 Defendant DHS is in substantial compliance with the judgment. DSH provided a status
5 report for the reporting period of March 1, 2025 through November 30, 2025 (Clendenin Status
6 Report filed 1/16/26), and a supplemental report for the period of December 1, 2025 to February
7 28, 2026 (Williams Dec of 5/22/26, Exh 4). In the 16-month period that began on November 1,
8 2024, and ended on February 28, 2026, the DSH served 6,222 IST patients, of which 183
9 individuals (2.94%) did not receive substantive services within 28 days. (Thomson Dec. filed
10 6/12/26, paras 4 & 11-17, and Exhs.) In the 2-month period from March 1, 2026, to April 30,
11 2026, DSH served 690 IST individuals and of those DSH failed to provide substantive services
12 to 11 individuals (1.6%) within 28 days. (Thomson Dec., para 22-23.) Many of the delays
13 were due to extenuating circumstances (“ECs”) beyond DSH’s control, such as: (1) county
14 transportation schedule delays, (2) patients refusing transport, (3) medical circumstances, (4)
15 delay of critical records, (5) patient out of custody, and (6) pending court hearings or
16 proceedings. (DSH Oppo at 8:22-9:15.)

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19 DSH has created the Early Access and Stabilization Services (EASS) Program, which
20 provides services to persons in jail regardless of where they are placed. DSH presents credible
21 evidence that EASS is “substantive services.” (DSH Oppo at 10:8-12:1, referencing Durkit Dec,
22 Exh D3 [Finlay Depo at 24-40, 55, 78, 150].) DSH represents that EASS is a permanent
23 program and it has secured “permanent funding to support [the] program.” (Durkit Dec., Exh. D2
24 (Edens Depo. at p. 92:3-12.) Plaintiffs offer no argument that the EASS Program is not
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1 substantive services, arguing instead that “this Court does not need to evaluate whether the
2 EASS program constitutes substantive services at this time.” (Pltf Opening at 18:22-25.)

3 DSH increased its bed capacity from 271 in Fiscal Year 2014-2015 to 2,745 in 2025-
4 2026 and is planning to expand its capacity further. (Thomson Decl. filed 6/12/26 para 68, Exh
5 JT3.) The capacity increases include increased capacity through a variety of programs.
6 Regarding hospitals and community-based facilities, DSH was “funded to open an additional 40
7 beds in [its community inpatient facilities] program,” which “was just opened in March of 2026”
8 and is in the process of constructing a new 198-bed facility in San Bernardino County. (Durkit
9 Dec., Exh. D2 (Edens Depo. at 18:14-19.)

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11 Plaintiffs have not suggested or identified any structural issues within DHS’s control that
12 it can change to reduce the number of IST defendants who need to wait for substantive services
13 for more than 28 days.

14 DSH has demonstrated a good faith commitment to compliance with the Constitutional
15 minimum. The substantial compliance over a significant period of time, the creation of the EASS
16 Program, and the increases in DHS bed capacity demonstrate a commitment to providing
17 substantive services within the Constitutional minimum of 28 days.
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19 In addition to the *Hernandez* factors, the Court has considered that Court supervision is
20 not the only mechanism for monitoring whether DSH is providing timely services. *Stiavetti v.*
21 *Clendenin* (2021) 65 Cal.App.5th 691, established a specific and enforceable Constitutional
22 minimum timeliness standard. An individual IST defendant may seek relief from the relevant
23 court on the specific facts of their case. The number of individual IST Defendants seeking such
24 relief has dropped significantly from 2016 to 2026. (Lapham Dec filed 6/12/26.) DSH collects
25 and provides information to the legislature twice annually for the budget caseload estimate
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1 process. (Durkit Dec., Exh. D2 (Edens Depo. at 98:25-99:6.) The termination of supervision in
2 this case does not preclude Plaintiffs or others from seeking systemwide relief in a new
3 proceeding if the available data suggests that DSH is systematically falling short of its
4 Constitutional obligation to provide IST Defendants with timely services.

5 Having considered the above, the Court finds that there is no need for continued Court
6 supervision of DHS's compliance with the Judgment. The Court hereby terminates judicial
7 supervision.
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10 Dated: September 21, 2026



S. Raj Chatterjee
Judge of the Superior Court